

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 23, 26-30, and 33-40 are pending in the present application. Claims 23 and 30 are independent. The remaining claims depend, either directly or indirectly, from claims 23 and 30.

Drawings

Applicant respectfully requests that the Examiner acknowledge the formal drawings and indicate whether they are acceptable.

Rejections under 35 U.S.C. § 103

Claims 23, 26-30, and 33-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,131,183 (hereinafter "Tyler"), in view of U.S. Patent No. 6,842,898 (hereinafter "Carlson"). For the reasons set forth below, this rejection is respectfully traversed.

MPEP § 2143 states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." In the Action, the Examiner, in articulating the analysis used to reject the claims under 35 U.S.C. § 103, has described the various claimed elements taught and not taught by Tyler. *See*, Action at pages 2-4. Further, the Examiner has described the various claimed elements taught by Carlson, which are not taught by Tyler. *Id.* The Examiner then

concludes by asserting that “it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Tyler to incorporate the features of Carlson ...” *Id.*

Using the above rationale, the Examiner “must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference; ...” MPEP § 2143(A). Applicant respectfully submits that the Examiner has failed to do so.

Independent claim 23 recites, in part: “invoking a stream operator to write a first data value from the first thread to the second thread...using the second thread to generate a second data value by performing an operation on the first data value; and invoking the stream operator to write the second data value from the second thread to the first thread...” Independent claim 30 recites similar limitations. As the claims explicitly require at least (i) the second value be based on the first value and (ii) the second value be generated by the second thread, it is clear that the second thread must be in possession of the first value (*i.e.*, the first value must be written to the second thread) before the second thread can generate the second value. In other words, the independent claims also require that (iii) the second value be created after the first value is written to the second thread.

Tyler discloses a controller having a stdin stream, a stdout stream, a childWrite stream, and a childRead stream. Tyler further discloses a program having a stdin stream and a stdout stream. The childWrite stream and the childRead stream are attached to the stdin stream and the stdout stream, respectively, of the program. See, Tyler at column 4, lines 65-68; at column 5, lines 1-10; and at FIG. 6.

Tyler further discloses a readStdin transform in which a wakeup subroutine sends a command to “the X-server to delete the dummy window associated with the dummy GUI operation”. *See*, Tyler at column 6, lines 3-5. After calling said wakeup subroutine (and thus sending the command to the X-server), data on the stdin stream of the controller is relayed to the program using the childWrite stream and the stdin stream of the program. *See*, Tyler at column 5, lines 10-28; at column 6, lines 1-19, and at FIG. 8. In other words, Tyler explicitly discloses that the command to the X-server is sent before relaying the data from the controller to the program.

The Examiner contends that Tyler discloses writing a first data value (*i.e.*, data received by the stdin stream of the controller) from the first thread (*i.e.*, controller) to the second thread (*i.e.*, program). The Examiner also contends that Tyler discloses using the second thread to generate a second data value (*i.e.*, command to X-server) by performing an operation on the first data value. *See*, Action at page 3. However, in view of the above, Tyler’s second data value is created before writing Tyler’s first data value from the first thread to the second thread. In other words, Tyler effectively discloses the reverse of what is recited by the independent claims. Specifically, Tyler discloses writing the first data value from the first thread to the second thread after generating the second value. This squarely contradicts at least requirement (iii) of the independent claims. Thus, Tyler cannot satisfy at least requirement (iii) of the independent claims.

Carlson teaches communication between threads comprising a program counter, a stack, a state, and a register set. *See*, Carlson at column 4, lines 42-65. However, Carlson does not teach what Tyler lacks. Specifically, Carlson, like Tyler, also does not teach or suggest

creating a second value after writing a first value to second thread, and thus also cannot satisfy at least requirement (iii) of the independent claims.

In view of the above, Tyler and Carlson, whether viewed separately or in combination, do not teach or suggest each and every limitation of independent claims 23 and 30. Accordingly, the cited art and the Examiner's contentions do not support the rejection of independent claims 23 and 30. Claims 26-29 and 33-40 depend, either directly or indirectly, from claims 23 and 30. Accordingly, the cited art and the Examiner's contentions also do not support the rejection of independent claims 26-29 and 33-40, and withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 36159/098001; P5944).

Dated: May 12, 2008

Respectfully submitted,

By 

Robert P. Lord
Registration No.: 46,479
OSHA · LIANG LLP
3945 Freedom Circle, Suite 300
Santa Clara, California 95054
(408) 727-0600
(408) 450-6711 (Direct #1)
(713) 890-1714 (Direct #2)
(408) 727-8778 (Fax)
Attorney for Applicant